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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENT BRAMLETT, an individual Plaintiff, vs. UNITED STATES DEPARTMENT OF THE TREASURY; UNITED STATES BUREAU OF THE MINT; UNITED STATES DEPARTMENT OF HOMELAND SECURITY UNITED STATES BUREAU OF CUSTOMS AND BORDER PROTECTION SERVICE; Jacob J. Lew, Secretary of the United States, Department of the Treasury Rhett Jeppson, Deputy Director of the United States Mint; Jeh Charles Johnson, Secretary of the Department of Homeland Security; R. Gil Kerlikowske, Commissioner of United States Customs and Border Protection, UNITED STATES OF AMERICA, and JOHN DOES, 1-10: Defendants.	:	Civil Action No.:16-0257 FILED OCT 31 2016 Amended Complaint and Jury Demand: 42 U.S.C.§ 1983 5 U.S.C. § 701 28 U.S.C. § 2201, 28 U.S.C. § 1361 Fourth Amendment Fifth Amendment

Plaintiff, KENT BRAMLETT, by his attorney, John J. Coughlin, alleges as follows:

I. NATURE OF ACTION

1. This is an action to (1) to compel action by the UNITED STATES DEPARTMENT OF TREASURY and the UNITED STATES BUREAU OF THE MINT to pay for coins that were refused when submitted under the Mutilated Coin Redemption Program, discussed in detail herein; (2) to compel the defendants to resume operation of the Mutilated Coin Redemption Program; (3) for monetary damages caused by the unlawful seizure of property, and; (4) for attorney's fees and costs available by statute and at common law.

2. As set forth more fully below, the refusal of defendant, The UNITED STATES DEPARTMENT OF TREASURY and UNITED STATES BUREAU OF THE MINT to process the coins is conduct for which plaintiffs seek to compel corrective action in accordance with the

Administrative Procedure Act, 5 U.S.C. § 701 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201, and the Mandamus and Venue Act, 28 U.S.C. § 1361.

3. The property which is the subject of the unlawful seizure and which is being refused for payment consists of (2) crates containing coins valued at approximately $88,183.42. The coins were imported by plaintiff and intended for the Mutilated Coin Redemption Program but were detained by the UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES BUREAU OF CUSTOMS AND BORDER PROTECTION SERVICE.

4. The coins were finally released in September, 2016, and plaintiff has suffered economic harm from the unlawful detention. Plaintiff also suffers ongoing economic harm from the unlawful suspension of the program and refusal of payment for coins as a result thereof.

II. JURISDICTION AND VENUE

5. This action is brought pursuant to the Administrative Procedure Act, 5 U.S.C. § 701 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201, and the Mandamus and Venue Act, 28 U.S.C. § 1361, for vindication of rights under the Fourth and Fifth Amendments to the United States Constitution.

6. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1356, 1361 and 2201; under 5 U.S.C. § 702; and by virtue of its inherent equitable powers.

7. Venue is proper in the United States District Court for the Eastern District of Pennsylvania where the Mint is located. A substantial portion of the events, and the acts complained of giving rise to this action, occurred within this district. Plaintiffs have been dealing with the employees of the Philadelphia Mint to provide mutilated coins for smelting for eight (8) years.

III. PARTIES

8. Plaintiff, KENT BRAMLETT is an individual residing in Riverside California who has engaged in the redemption of mutilated coins to the United States Bureau of the Mint. Pursuant to this activity and related regulations, KENT BRAMLETT is registered with the Financial Crimes Enforcement Network as FinCen BSA ID No. 20112220004625.

9. Defendant UNITED STATES DEPARTMENT OF THE TREASURY ("DEPARTMENT OF THE TREASURY" or "TREASURY") is an executive department and administrative agency of the UNITED STATES OF AMERICA that is charged with oversight of the nation's money and finance.

10. Defendant UNITED STATES BUREAU OF THE MINT ("The Mint") is a bureau of the DEPARTMENT OF THE TREASURY and an administrative agency responsible for coinage struck by the United States for use as currency. The Mint is also responsible for implementation of the Mutilated Coin Redemption Program that began in 1911.

11. Defendant, UNITED STATES DEPARTMENT OF HOMELAND SECURITY is the third largest cabinet agency within the Executive Branch of the United States Government with its published stated mission, "to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards."

12. Defendant UNITED STATES BUREAU OF CUSTOMS AND BORDER PROTECTION SERVICE ("CBP") is an agency within the Department of Homeland Security. CBP agents are responsible for the seizures that are the subject of this action.

13. Defendant Jacob J. Lew, is the Secretary of the DEPARTMENT OF THE TREASURY. In such capacity, he possesses authority to direct the action and operations of that department. He is sued in his official capacity.

14. Defendant Rhett Jeppson is the Deputy Director of the UNITED STATES MINT. In such capacity, he possesses authority to direct the action and operations of the MINT. He is sued in his official capacity.

15. Defendant, Jeh Charles Johnsons is the SECRETARY OF HOMELAND SECURITY. In such capacity, he possesses authority to direct the action and operations of that department. He is sued in his official capacity.

16. Defendant R. Gil Kerlikowske is the Commissioner of U.S. Customs and Border Protection Service. In such capacity, he possesses authority to direct the action and operations of that service. He is sued in his official capacity.

17. Defendants, JOHN DOES 1 – 10 are as yet unnamed persons who are believed to be responsible for the violations of the plaintiff's Civil Rights by knowingly, recklessly or carelessly relying on false information or causing false information to be propagated and

continued, thereby inspiring and/or continuing baseless investigations of counterfeiting that resulted in substantial economic harm to the plaintiffs.

IV. STATEMENT OF FACTS

A. HISTORY OF THE MUTILATED COIN REDEMPTION PROGRAM

18. Since 1911, THE UNITED STATES DEPARTMENT OF THE TREASURY has conducted a Mutilated Coin Redemption Program. Pursuant to Federal Statute, 1 USC § 5120 (a) (1), "The Secretary of the Treasury shall melt obsolete and worn United States coins withdrawn from circulation. The Secretary may use the metal from melting the coins for reminting or may sell the metal." 1 USC § 5120 (a) (1).

19. In addition, Federal Regulations codify the procedure and criteria for redemption of mutilated coins:

> Exchange of bent and partial coins.
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> **(a)** ***Definitions.***
> **(1)** Bent coins are U.S. coins which are bent or deformed so as to preclude normal machine counting but which are readily and clearly identifiable as to genuineness and denomination.
> **(2)** Partial coins are U.S. coins which are not whole; partial coins must be readily and clearly identifiable as to genuineness and denomination.
> **(b)** ***Redemption basis.*** Bent and partial coins shall be presented separately by denomination category in lots of at least one pound for each category. Bent and partial coins shall be redeemed on the basis of their weight and denomination category rates (which is the weight equivalent of face value). If not presented separately by denomination category, bent and partial coins will not be accepted for redemption. Denomination categories and rates are Cents, @ $1.4585 per pound; Nickels, @ $4.5359 per pound; Dimes, Quarters, Halves, and Eisenhower Dollars @ $20.00 per pound; and Anthony Dollars @ $56.00 per pound. Copper plated zinc cents shall be redeemed at the face value equivalent of copper one cent coins.
> **(c)** ***Redemption site.*** Bent and partial coins will be redeemed only at the United States Mint, P.O. Box 400, Philadelphia, PA 19105. Coins are shipped at sender's risk and expense.
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> 31 CFR § 100.11 [47 FR 32044, July 23, 1982, as amended at 64 FR 39920, July 23, 1999]

20. The redemption of waste coins also provides The Mint with recycled material to make new coins. According to a Mint spokesman Michael White: "The Mutilated Coin Redemption Program's basis is to back and promote confidence in U.S. coinage by ensuring that even mutilated U.S. coins (which financial institutions are unlikely to accept because bent, deformed, or partial coins which generally cannot be counted by machine) are ultimately redeemable."[1]

21. Mutilated coins are defined as otherwise legitimate United States coins that are chipped, fused, discolored, burned, or distorted and not machine countable. The Mint redeems mutilated coins on a per pound basis. Mint personnel, or those designated by the Mint, inspect the coins for authenticity. The party submitting mutilated coins is compensated based on published redemption rates. The mutilated coins are then melted and reused in the manufacture of new coins.

22. The Mint is the only government agency that redeems mutilated coins. The Mint directs that mutilated coins should be sent to the Mint in Philadelphia, Pennsylvania. Plaintiff Kent Bramlett began his participation in the program by mailing his first shipment of coins to The Mint in Philadelphia.

23. The Mint also accepts large shipments of coins from coin recyclers but directs that certain large shipments be sent to a specific designated smelter. PMX — a U.S. subsidiary of Poongsan Corp., the world's largest supplier of coinage blanks, based in Seoul, South Korea — is one of two smelters in the United States with which the Mint arranges to have mutilated coins received and converted into molten metal and then coiled coinage strip (coin roll) from which blanks are punched for pennies, nickels, dimes, quarters, half dollars and dollars.

24. The Mint re-inspects the mutilated coins before they are accepted and melted. The Mint instituted heighted inspection procedures in 2008 in response to a Treasury Office of the Inspector General "OIG" report, which was commissioned to investigate "concerns that the Mutilated Coin Program could be exploited to facilitate illegal activity."

25. Notably, during the course of the investigation in 2008, the Treasury OIG had a Mint metallurgist test the metal content of coin shipments and determined them to be genuine

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[1] See Coin World, Mint adopts Mutilated Coin Redemption Program changes, September 16, 2011, available at http://www.coinworld.com/news/us-coins/2011/09/mint-adopts-mutilated-coin-redemption-program.html#.

United States currency: *"Approximately 50 samples were selected from each shipment for examination by a Mint metallurgist. The metallurgist subsequently confirmed that the coins were, in fact, genuine U.S. coins."* [2]

26. As a result of recommendations of the OIG report, the Mint instituted an enhanced inspection process to detect possible fraudulent coin redemption. Before the coins are melted they are inspected under the supervision of the Mint for genuineness. Large quantities of redeemed coins are shipped to PMX, and a second designated Mint smelter where Mint employees are supposed to witness the weighing and inspection process prior to melting and metal reclamation.

B. PLAINTIFF HAS REDEEMED MUTILATED COINS THROUGH THE US MINT PROGRAM SINCE 2009

27. In 2009 Plaintiff, KENT BRAMLETT, after learning of the longstanding policy of the United States Mint to redeem mutilated coins for value based on weight, introduced himself personally to the United States Mint for purposes of participating in the program.

28. In 2009, plaintiff Kent Bramlett, while residing in China, began participating in the business of repatriating foreign coins that arrived in China primarily through comingled scrap metal brought to China for processing and sorting.

29. Through personal contacts established while residing in China, plaintiff Kent Bramlett identified reliable sources of coins among persons in the metal recycling industry.

30. As a result of this research and professional networking, plaintiff Kent Bramlett submitted his first shipment of coins that fit the criteria for The Mint's Mutilated Coin Redemption Program via United States Postal Service in March 2009. Having successfully processed one package, plaintiff made arrangements to import a larger bulk shipment

31. The first bulk shipment was comprised of a larger crate of mutilated coins with a redeemed value of $42,946.05.

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[2] See, Department of the Treasury Office of Inspector General (OIG) Management Implication Report 2008-0096, review of the Mutilated Coin Program, 2010, released February 16, 2010, p. 3, available at http://www.governmentattic.org/12docs/TreasuryOIG-MIP2008-0096_2010.pdf.

32. The first bulk shipment was personally inspected and packaged by plaintiff Kent Bramlett and his wife, Summer Bramlett, prior to shipping to the United States, where it was personally cleared through customs by Kent Bramlett.

33. The first bulk shipment was personally transported by Kent Bramlett via rented pickup truck to the United States Mint in Philadelphia, PA, where plaintiff met with Mint officials and presented his product in November, 2009.

34. Plaintiff received payment of $42,946.05 one week later on November 24, 2009.

35. From 2009 through 2015, plaintiff Kent Bramlett continued to import coins from his sources in China to the United States Mint in Philadelphia or to its designated smelting facility, PMX Industries, in Cedar Rapids Iowa. These subsequent shipments were personally packed or personally inspected by either Kent Bramlett or his wife Summer Bramlett prior to packaging for shipment to the United States.

36. From 2009 to 2014, plaintiff delivered nine shipments of mutilated coins to the United States Mint or its designee, where they were then approved and redeemed pursuant to the mutilated coin redemption program. The redeemed value paid for each shipment varied based on quantity from $2,432.14 for the first shipment in March 2009 to $350,699.88 for a shipment in January 2014.

37. The total amount paid to plaintiff Kent Bramlett under the Mutilated Coin Redemption Program, for eight approved shipments from 2009 to 2014 was $804,876.45.

38. More recently, without warning or indication of any change in the program, plaintiff's shipments were treated differently, with one shipment being accepted and processed by the United States Mint, for which payment was withheld for almost two years and another shipment, which was detained for approximately sixteen months ("The Detained Coins") by the UNITED STATES BUREAU OF CUSTOMS AND BORDER PROTECTION SERVICE ("CBP").

C. THE UNLAWFUL DETENTION AND SEIZURE OF PLAINTIFF'S COINS

39. On or about November 18, 2014 a shipment of seven (7) metal containers of coins with an estimated value of $306,003.03 was delivered by plaintiff to the custody of the United States Mint. Plaintiff Kent Bramlett confirmed receipt in an email exchange with mint personnel.

40. In response to an email following up for payment, on January 6, 2015, plaintiff was advised by mint personnel that "Payment is being held up by Homeland Security pending determination of the source of the coins."

41. Plaintiff made direct contact with Special Agent Anthony Lanzillotti, Homeland Security Investigations (HSI) who requested backup documentation confirming "the source of these large amounts of mutilated US coins." Agent Lanzillotti advised that he hoped "to have the matter resolved as soon as possible."

42. Relying on the hope that agent Lanzillotti would be able to "resolve the matter as soon as possible," plaintiff provided, on the same day it was requested, all relevant documents related to the shipment in question, including the commercial invoice identifying by name and address in China the person from whom the coins were acquired. Plaintiff also provided the packing list, bill of lading, FinCEN Form 105, and a detailed narrative of Kent Bramlett's efforts to confirm the quality and authenticity of the mutilated coins he personally ships from China.

43. Having heard nothing several weeks after resolving the question of, "the source of the coins," plaintiff Kent Bramlett followed up with agent Lanzillotti by email on January 26, 2015 to inquire as to the status of his payment. Agent Lanzillotti responded tersely two days later indicating only that, "I received the information and we are in the process of verifying it and other information that we have received. I hope to resolve this matter as soon as possible."

44. Following another month of inactivity, plaintiff Kent Bramlett again wrote a follow up email on February 23, 2015, explaining to agent Lanzillotti the personal financial impact he was suffering from the months of unexplained delay in the processing of payment for his November 2014 shipment.

45. During the period of inquiry to Agent Lanzillotti regarding the November 18, 2014 shipment , plaintiff was also in contact with US Mint personnel to schedule his next incoming shipment for the mint's next scheduled "melt" of mutilated coins by its designee, PMX. In the course of that exchange, plaintiff was invited to deliver a shipment for a melt scheduled for February, 2015.

46. Unable to make the February melt deadline, plaintiff inquired on March 29, 2015 by email to his contact at the United States Mint as to when he could deliver an incoming shipment of mutilated coins for redemption. Plaintiff followed up with another email on May 6, 2015, indicating that he was expecting another shipment of coins from China.

47. On May 21, plaintiff was directed by his logistics coordinator to advise Eugene Kim at the Department of Homeland Security with the details of the shipment, including the invoice and packing list.

48. On May 21, 2105, plaintiff provided all requested information to Eugene Kim at Department of Homeland Security as instructed, and then informed Mr. Kim of plaintiff's prior dealings with Anthony Lanzillotti, to ensure that all relevant persons in the department had the same information

49. Upon arrival at the port of Los Angeles on May 8, 2015 the plaintiff's next shipment of mutilated coins, with an estimated value of $88,183.42, was detained by the UNITED STATES BUREAU OF CUSTOMS AND BORDER PROTECTION SERVICE (CBP) pursuant to "Detention Notice and Custody Receipt for Detained Property" No. 1504517, signed by Officer Eugene Kim on May 26, 2015. The "Reason for Detention" was indicated as "possible admissibility issues (counterfeit coins)."

50. In the months that followed, plaintiff received conflicting reports on the status of the Detained Coins, being advised on June 19, 2015 by his logistics provider that the shipments are "customs released, once moved on rail from LA, I will let you know."

51. Based on the information that the Detained Coins were released from customs, plaintiff communicated by email to his contact at the US Mint and anticipated the coins would arrive at the designated facility on June 29, 2015.

52. What followed from that point was a series of conflicting communications from various defendants regarding the status of the coins which were received in November, 2014 by the United States Mint and the more recent shipment that was brought into the country pursuant to defendants' instructions.

53. On November 2, 2015 THE UNITED STATES MINT suspended the Mutilated Coin Redemption Program for a period of six months, "because of the possibility of unlawful activity on the program."

54. On April 29, 2016, Notice was posted in the Federal Register indicating that the program was suspended for an additional six months, "due to recent litigation involving the exchange program and more time needed to complete our work." The Notice was effective May 2, 2016 and the suspension period will expire on November 2, 2016.

55. After months of attempts to follow up on the defendants' refusal to provide accurate information, on January 21, 2016, a Civil Complaint in this matter was filed, stating claims against defendants under various legal theories of recovery, including claims related to the coins that were accepted by the United States Mint on November 18, 2014, for which payment was due, and claims related to the unlawful seizure of the subsequent shipment.

56. After receiving payment for the November 18, 2014 shipment, plaintiff agreed to amend the Complaint to reflect withdrawal of claims related to the failure of defendants to pay for those coins. This amended complaint seeks damages suffered by the unlawful detention of plaintiff's coins, and seeks to compel defendants to pay for the recently released coins in accordance with the Mutilated Coin Redemption Program.

57. As of the original filing of this action on January 21, 2016, the plaintiffs had been unable to take possession of their property for over seven (7) months after arrival at the Port of Los Angeles. The coins were finally released in September, 2016, sixteen months after the initial detainment and nine months after suit was filed.

D. DEFENDANTS' COUNTERFEIT ALLEGATIONS

58. In response to the initial complaint filed in this action, the only information produced by defendants in support of their allegation of counterfeiting is contained in unsigned reports dated "11/20/2015" and "02/10/2015." **(Attached hereto as Exhibit A).** Plaintiff rejects the probative value of these reports on a number of grounds related to scientific reliability, credibility of methodology and legal admissibility; but the statements contained therein, even if treated as true, demonstrate that the defendants' report raises no questions as to the authenticity of the coins in question.

59. Most notably, both reports provided by Defendants recite the following observation: "The samples have a broad range of date mint marks and their weights and alloy compositions are indistinguishable from standard currency." (Emphasis added).

60. The reports further clarify that the materials found on the surface of the coins bear no relation to the content of the metals comprising the coins, when they state, "The coins tested

differ from coins obtained from circulation in that they have a surface patina high in silicon and aluminum."[3]

61. Both reports state that the measurement of the values of metals reported is detected using "XRF analysis." One report, dated "2/10/2015" adds that "the values [reported] would not be representative of the alloy cladding material."

62. The significance of these statements is simple, yet compelling, as it reveals that whatever materials might be detected from the sampling conducted would only be found on the outside surface of the coins.

63. Under the circumstances, the shipments can only be considered as seized by the US Government, thereby implicating all of the statutory and constitutional protections against such unlawful seizures of property.

64. Court records indicate that other entities accused of counterfeiting mutilated coins for redemption by the United States Mint became the subject of a Forfeiture Action in the United States District Court for the Eastern District of Pennsylvania, United States v. One Black Porsche Cayman Coupe, Docket No 2:15-cv-05814-JS (Transferred from former docket Case 2:15-cv-02036-JLL). The owners of the property named in the Forfeiture Action then filed a separate lawsuit against the defendants herein, for their conduct related to this program and the seizures of property which resulted therefrom, Wealthy Max Limited v. United States Department Of Treasury, United States Bureau of the Mint, United States Bureau of Customs and Border Protection Service, Docket No. 2:15-cv-05875-WB.

65. The Forfeiture Action involved the seizure of property as well as payments in excess of five million dollars ($5,000,000) owed under the mutilated coin redemption program.

66. In public filings in the Forfeiture Action, the defendants herein alleged "an ongoing pattern ... to defraud the Mint by submitting counterfeit mutilated coins for redemption and successfully receiving large sums of money in return." (Case 2:15-cv-02036-JLL Document 44, Opposition To Motion to Dismiss Forfeiture Complaint, page 21).

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3 The language is quoted from the report dated "2/10/2015" referring to "missing coins" described in the complaint. The second report, dated "11/20/2015" refers to the "detained coins and states in slightly different terms that the surface patina contains "aluminum and sometimes silicon."

67. The defendants in the above Forfeiture Action vigorously contested the government's allegations, ultimately moving for dismissal as a matter of law arguing that a number of material allegations that were at best unfounded and in some instances contradicted by readily ascertainable facts.

68. On July 21, 2016, the United States District Court for the Eastern District of Pennsylvania Ordered the Forfeiture Action "dismissed with prejudice pursuant to agreement of counsel without costs."

69. Notwithstanding the dismissal of the Forfeiture Action, the coins that are the subject of this complaint are still treated as if they are counterfeit, based on superficial testing conducted on the surface of samples of coins alleged to represent those described in the Complaint herein.

70. Plaintiff has reviewed the data provided by the defendants and disputes the alleged conclusion that the data reveals anything more than the presence of surface materials that are typical byproducts of the handling, processing and cleaning of the coins.

71. Much like the unfounded allegations that led to dismissal of the Forfeiture Action, the government's position with respect to plaintiff's coins is devoid of any credible reliable scientific proof that would support the otherwise baseless contention that the coins might be counterfeit.

72. The defendants' conduct of detaining coins indefinitely without regard to statutory and regulatory procedure, is a "seizure" of property and an attempt to effectuate forfeiture of property, in violation of statutory, regulatory and constitutional protections described herein.

73. The defendants' refusal to accept and pay for the coins, and the ongoing suspension of the Mutilated Coin Redemption Program based on inaccurate, unreliable information is a violation of the Administrative Procedure Act, 5 U.S.C. §706(1)

FIRST CAUSE OF ACTION

Unlawfully Withheld or Unreasonably Delayed Agency Action - Administrative Procedure Act, 5 U.S.C. §706(1)

74. Plaintiff repeats and realleges as if fully set forth herein the allegations contained in paragraph numbers 1 through 73.

75. Under the Administrative Procedure Act, 5 U.S.C. § 706(1), a "reviewing court shall . . . compel agency action unlawfully withheld or unreasonably delayed. . . ."

76. Through the unreasonable and indefinite suspension of the Mutilated Coin Redemption Program without regard or resort to any of the applicable statutory and regulatory authorities governing such decisions, defendants UNITED STATES DEPARTMENT OF TREASURY and BUREAU OF THE MINT have violated the Administrative Procedure Act.

77. The refusal of the defendants to accept the coins, and the ongoing suspension of the Mutilated Coin Redemption Program, based on the unsupported allegations of counterfeiting, amounts to unlawful withholding and unreasonable delay of agency action.

78. Through its unreasonable refusal to accept the coins, defendant UNITED STATES BUREAU OF THE MINT has deprived the plaintiffs of the right to Due Process, in violation of the Fifth Amendment of the United States Constitution.

79. By reason of the foregoing, defendants and their successors in office should be compelled to accept the coins as determined under the Mint's Mutilated Coin Redemption Program.

WHEREFORE, plaintiff respectfully requests that a judgment be entered:

a) Awarding compensatory damages for the financial harm caused by defendants' conduct.

b) Compelling defendants to process and pay plaintiff for all outstanding coins brought into the country pursuant to the Mutilated Coin Redemption Program

c) Compelling Defendants to resume operation of the Mutilated Coin Redemption Program.

d) Awarding interest on the compensation for the coin shipments from the date of seizure and awarding money damages for all costs and harm occasioned by defendants' conduct.

e) Awarding statutory attorneys' fees and costs in favor of the plaintiff; and

f) Ordering such other relief as the Court may deem just and proper.

SECOND CAUSE OF ACTION

Due Process of Law - Fifth Amendment

80. Plaintiff repeats and realleges as if fully set forth herein the allegations contained in paragraph numbers 1 through 79.

81. By seizing and confiscating the coin shipments without affording or submitting to any process whatsoever, defendants have deprived plaintiff of property without due process of law, in violation of the Fifth Amendment to the United States Constitution.

82. As described herein, plaintiff has been deprived of his property without any process whatsoever. The unlawful confiscation of such a large sum of money has had an extremely detrimental effect on plaintiff's' ability to conduct business.

83. By virtue of its inherent equitable powers to remedy constitutional violations, and pursuant to 28 U.S.C. § 2201, this Court is possessed of authority and power to declare the seizure and confiscation of the coin shipments to be unlawful violations of the Fifth Amendment to the United States Constitution and to compel defendants and their successors in officeto make payment for them to plaintiffs pursuant to the Mutilated Coin Redemption Program.

84. Plaintiff is further entitled to monetary compensatory damages for the harm occasioned by defendants' conduct, including economic losses caused by disruption of business and lost investments, loss of the use of the asset and storage costs being charged for the property as it sits detained indefinitely.

WHEREFORE, plaintiff respectfully requests that a judgment be entered:

a) Awarding compensatory damages for the financial harm caused by defendants' conduct.

b) Declaring That:

   i) defendants have deprived plaintiff of property without due process of law, in violation of the Fifth Amendment; and

   ii) defendants have denied plaintiff his right to be secure in his person, possessions, and effects, in violation of the Fourth Amendment;

c) Awarding interest on the compensation for the coin shipments from the date of seizure and awarding money damages for all costs and harm occasioned by defendants' conduct.

d) Awarding statutory attorneys' fees and costs in favor of the plaintiff; and

e) Ordering such other relief as the Court may deem just and proper.

THIRD CAUSE OF ACTION

Unlawful Seizure - Fourth Amendment

85. Plaintiff repeats and realleges as if fully set forth herein the allegations contained in paragraph numbers 1 through 84.

86. At no time have defendants given any written notice of seizure or filed any application with a neutral and detached magistrate for a warrant authorizing seizure of plaintiff's property.

87. At no time have defendants presented proof evidencing probable cause to seize plaintiffs' property.

88. By seizing and confiscating the coin shipments without probable cause, a warrant, or any other lawful justification, defendants have deprived plaintiffs of their right to be secure in their persons, property, and effects, in violation of the Fourth Amendment to the United States Constitution.

89. By virtue of its inherent equitable powers to remedy constitutional violations, and pursuant to 28 U.S.C. § 2201, this Court is possessed of authority and power to order defendants and their successors in office, to order compensation for the detained coin shipments.

90. Plaintiff is further entitled to monetary compensatory damages for the harm occasioned by defendants' conduct, including economic losses caused by disruption of business and lost investments, loss of the use of the asset and storage costs being charged for the property as it sits detained indefinitely.

WHEREFORE, plaintiff respectfully requests that a judgment be entered:

a) Awarding compensatory damages for the financial harm caused by defendants' conduct.

b) Declaring That:

    i) defendants have deprived plaintiff of property without due process of law, in violation of the Fifth Amendment; and

ii) defendants have denied plaintiff his right to be secure in his person, possessions, and effects, in violation of the Fourth Amendment;

c) Awarding interest on the compensation for the coin shipments from the date of seizure and awarding money damages for all costs and harm occasioned by defendants' conduct.

d) Awarding statutory attorneys' fees and costs in favor of the plaintiff; and

e) Ordering such other relief as the Court may deem just and proper.

FOURTH CAUSE OF ACTION

Violation of 42 U.S.C. § 1983 by Jacob J. Lew, Secretary of the United States Department of the Treasury, Rhett Jeppson, Deputy Director of the United States Mint, Jeh Charles Johnson, Secretary of the Department of Homeland Security, R. Gil Kerlikowske, Commissioner of United States Customs and Border Protection, and JOHN DOES 1-10

91. Plaintiff repeats and realleges as if fully set forth herein each and every allegation set forth in paragraph numbers 1 to 90.

92. All of the aforementioned acts were committed by defendants under color of law within the jurisdiction of the United States of America.

93. As a consequence of defendants' actions, plaintiff was deprived of his rights, privileges and/or immunities secured by the Constitution and laws of the United States of America, including but not limited to the Fourth Amendment the 5th Amendment and the Fourteenth Amendment of the United States Constitution.

WHEREFORE, plaintiff respectfully requests that a judgment be entered:

a) Awarding compensatory damages for the financial harm caused by defendants' conduct.

b) Declaring That:

i) defendants have deprived plaintiff of property without due process of law, in violation of the Fifth Amendment; and

ii) defendants have denied plaintiff his right to be secure in his person, possessions, and effects, in violation of the Fourth Amendment;

c) Enjoining defendants and their successors in office from instituting, or causing to be instituted, any action at law or in equity to seize, forfeit, or confiscate the coin shipments or payment for the coin shipments.

d) Awarding interest on the compensation for the coin shipments from the date of seizure and awarding money damages for all costs and harm occasioned by defendants' conduct.

e) Awarding statutory attorneys' fees and costs in favor of the plaintiff; and

f) Ordering such other relief as the Court may deem just and proper.

FIFTH CAUSE OF ACTION

Relief in the Nature of Mandamus - Mandamus and Venue Act

94. Plaintiff repeats and realleges as if fully set forth herein each and every allegation set forth in paragraph numbers 1 to 93.

95. At all times relevant hereto, defendant JACOB J. LEW, in his official capacity to act as Secretary of the Department of Treasury, and, RHETT JEPPSON, Deputy Director of the United States Mint and have had a nondiscretionary duty to properly conduct the affairs of their offices, including but not limited to the lawful functions of the mutilated coin program.

96. Defendants have failed to properly conduct the mutilated coin program within the dictates of applicable statutory and regulatory provisions governing its procedures.

97. By reason of the foregoing, this Court has the power and authority, pursuant to 28 U.S.C. § 1361, to grant to the plaintiffs relief in the nature of mandamus, compelling defendants, and their successors in office, to cause the return of the shipments to plaintiff, or make payment for the value of the coin shipments.

WHEREFORE, plaintiff respectfully requests that a judgment be entered:

a) Declaring That:

i) defendants have deprived plaintiff of property without due process of law, in violation of the Fifth Amendment; and

ii) defendants have denied plaintiff his right to be secure in his person, possessions, and effects, in violation of the Fourth Amendment;

b) Compelling defendants and their successors in office, to cause the seized property to be returned to the plaintiffs, or provide compensation for the coin shipments.

c) Enjoining defendants and their successors in office from instituting, or causing to be instituted, any action at law or in equity to seize, forfeit, or confiscate the coin shipments or payment for the coin shipments.

d) Awarding interest on the compensation for the coin shipments from the date of seizure and awarding money damages for all costs and harm occasioned by defendants' conduct.

e) Awarding statutory attorneys' fees and costs in favor of the plaintiff; and

f) Ordering such other relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby respectfully requests a trial by jury on all issues so triable.

Dated: 10/31/2016

By: ______________________

Attorney for Plaintiff, Kent Bramlett
JOHN J. COUGHLIN PABar # 62665
800 N. Church St.
Suite 107
Moorestown, NJ 08057
john@jcoughlinlaw.com
(856) 996 1170

FILED
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EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
LABORATORIES AND SCIENTIFIC SERVICES
New York Laboratory, 1100 Raymond Blvd., Newark, NJ 07102
973-368-1900; 973-368-1905 (Fax)

LABORATORY REPORT

Lab Report #:	NY20141808	**ID #:**	COC 6360471
Submitted by:	ANTHONY LANZILLOTTI		
Received:	12/05/2014	**Reported:**	02/10/2015
Sample Description:	MUTILATED COIN SAMPLES		
Sample Components:	XX		
Information Requested:	ANALYSIS		
Supplement Info:	DIMES AND QUARTERS		

Narrative:

THE SAMPLE IS A BAG OF COINS, COC #1486167. THEY ARE MOSTLY U.S. DIMES AND U.S. QUARTERS.
THE SAMPLES HAVE A BROAD RANGE OF DATE MINT MARKS AND THEIR WEIGHTS AND ALLOY COMPOSITIONS ARE INDISTINGUISHABLE FROM STANDARD CURRENCY. THE COINS TESTED DIFFER FROM COINS OBTAINED FROM CIRCULATION IN THAT THEY HAVE A SURFACE PATINA HIGH IN SILICON AND ALUMINUM.

THE PERCENTAGE WEIGHT OF ELEMENTS ON COIN SURFACES ARE ESTIMATED BY XRF ANALYSIS.
THE VALUES WOULD NOT BE REPRESENTATIVE OF THE ALLOY CLADDING MATERIAL.

COIN DESCRIPTION: DIMES

ELEMENTS:	DIMES CIRCULATION -	DIMES SAMPLE(AVE 21) -	STD DEV
%ALUMINUM:	0.09	4.57	2.27
%SILICON:	0.24	2.05	2.40
% NICKEL:	24.79	23.50	1.69
%COPPER:	74.09	67.16	3.17
% OTHERS:	0.78	3.23	2.29

COIN DESCRIPTION: QUARTERS

ELEMENTS:	QUARTERS CIRCULATION -	QUARTERS SAMPLE(AVE 21) -	STD DEV
%ALUMINUM:	0.14	4.60	2.83
%SILICON:	0.74	1.61	0.86
% NICKEL:	25.30	23.15	0.75
%COPPER:	72.72	67.98	2.58
% OTHERS:	1.08	2.65	0.92

METHODS: ASTM E 1621

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LABORATORY REPORT

Lab Report #: NY20141808 **ID #:** COC 6360471

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LABORATORY REPORT

Lab Report #: NY20141806 **ID #:** COC 6360471

Analyst

Michael Bohenek

Approved By

Alfonso Aldir,
Assistant Laboratory Director

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DEPARTMENT OF HOMELAND SECURITY

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No. 6360471

CUSTODY RECEIPT for SEIZED PROPERTY and EVIDENCE

NICND 115

Handbook 5200-09

1. FPF No. 2015460100013301	2. Incident No. 201552001517901
3. Investigative Case No. MK02PR11NK0040	4. Enforce No.
5. Prior Detention? Yes [1] No [ ] If yes, DHS 6051D No.______	6. Date Seized (mm/dd/yyyy) 11 / 21 / 2014 — 7. Time Seized (Use 24 Hrs) 1730 — 8. FDIN/Misc.
9. Seized From: Name: KENT BRAMLETT Address: 14158 Sunset Ridge Rd Riverside CA Telephone No. ( ) Ext:	10. Entry No. — 11. Seal or Other ID Nos. A 2862690 12. Remarks: SAMPLES TAKEN BY HSI CEDAR RAPIDS AT PMX INDUSTRIES DURING U.S. MINT MELT. SENT TO HSI NIC VIA FEDEX AWB # 8053 6527 1394
13. Send Correspondence to:	

14. PROPERTY (By Line Item) Attach DHS Form 58 if conveyance

a. Line Item No.	b. Description	c. Packages Number	c. Packages Type	d. Measurements Qty.	d. Measurements UM	e. Est. Dom. Value
01	MUTILATED COIN SAMPLES	1	PEB			$
						$
						$
						$
						$
						$

15. Seizing Officer		
ANTHONY LANZILLOTTI	x [signature]	11 /21 /14
Print Name	Signature	Date

16. ACCEPTANCE / CHAIN OF CUSTODY

a. Line Item No.	b. Description	c. Print Name/Title/Organization	d. Signature	e. Date
01	See above	M. Buchanan / CBP	[signature]	11-24-14
01	As Above	A. LANZILLOTTI / HSI	[signature]	4/15/15

DHS Form 6051A Continuation Sheet Attached? Yes [ ] No [ ]

DHS retains original

Previous editions are obsolete

DHS Form 6051S (08/09)

GovernmentBramlett00004

"Kent Bramlett Import June 2015" 1 of 3

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
LABORATORIES AND SCIENTIFIC SERVICES
New York Laboratory, 1100 Raymond Blvd., Newark, NJ 07102
973-368-1900; 973-368-1905 (Fax)

LABORATORY REPORT

Lab Report #: NY20151003 **ID #:** COC# 6454326
Submitted by: ANTHONY LANZILLOTTI
Received: 08/04/2015 **Reported:** 11/20/2015
Sample Description: Mutilated Coins (U.S.)
Sample Components: 2 bags of coin A2862678 & AA2862679
Information Requested: Analysis

Narrative:

THE SAMPLE IS A SENTRY BAG OF COINS, A2862680. IT CONTAINS U.S. DIMES AND QUARTERS.
THE SAMPLES HAVE A BROAD RANGE OF DATE MINT MARKS AND THEIR WEIGHTS AND ALLOY COMPOSITIONS ARE INDISTINGUISHABLE FROM STANDARD CURRENCY. THE COINS TESTED DIFFER FROM COINS OBTAINED FROM CIRCULATION IN THAT THEY HAVE A SURFACE PATINA HIGH IN ALUMINUM AND SOMETIMES SILICON.
THE FOLLOWING ARE THE WEIGHT PERCENTAGE OF ELEMENTS ON THE COIN SURFACES ESTIMATED BY X-RAY FLUORESCENCE SPECTROMETRY.

QUARTERS FROM CIRCULATION

DATE MARK:	AL:	SI:	NI:	CU:	OTHER
1981:	0.1:	0.4:	23.7:	73.7:	2.0
1974:	0.2:	0.5:	25.1:	72.2:	2.1

QUARTERS FROM SAMPLE

DATE MARK:	AL:	SI:	NI:	CU:	OTHER
1970:	1.3:	0.6:	24.0:	70.5:	3.4
1972:	1.5:	1.0:	24.5:	68.5:	4.5
1986:	4.0:	0.5:	23.6:	67.7:	4.1
1999PA:	2.7:	0.8:	22.4:	63.5:	5.5
2000MA:	2.6:	1.1:	23.5:	68.3:	4.5

DIMES FROM CIRCULATION

DATE MARK:	AL:	SI:	NI:	CU:	OTHER
2002P:	0.1:	0.2:	25.5:	72.8:	1.4
2004P:	0.1:	0.1:	24.8:	74.3:	0.8

DIMES FROM SAMPLE

DATE MARK:	AL:	SI:	NI:	CU:	OTHER
1970:	1.9:	1.0:	24.3:	68.3:	4.5
1988D:	1.7:	1.4:	23.3:	68.5:	5.1
1997P:	1.2:	0.4:	24.3:	70.9:	3.2
2002P:	1.3:	0.9:	23.2:	68.7:	5.9
2004P:	1.5:	0.4:	24.6:	69.9:	3.7
2005P:	3.0:	0.9:	23.5:	69.2:	3.3

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DEPARTMENT OF HOMELAND SECURITY

No. 1282795

DETENTION NOTICE AND CUSTODY RECEIPT FOR DETAINED PROPERTY

Handbook 5200-09

1. Held for other agency? Yes ☐ No ☐
Name of Agency:
2. Certified Mail No.
3. Investigative Case No. NK02PR11NK0040
4. General Order No.
5. Exodus Command Center Notified? ☐ Yes ☑ No
Date: Time:

6. Port Code	7. Date of Detention (mm/dd/yyyy)	8. Time (Use 24 Hours)	9. Entry Number
2704	6/15/2015	1300	

10. Detained from:
Name: KENT BRAMLETT
Address: 8300 WILLOW CREEK DR SW CEDAR RAPIDS, IA
Telephone No. ( )

11. Seal or Other ID No.
12. Misc. Nos.
13. Remarks: SAMPLED FROM CONTAINER #TCNU9618295 Sent via FedEx # 808168601678, c/o Kim
14. FPF No. (For DHS Lab Use Only) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐-☐☐

15. Point of Contact Information - Send all correspondence to:
Telephone No. ( ) Fax No. ( )

16. Additional Information/Action Request from Importer/Exporter/Subject

17. Reason for Detention: POSSIBLE COUNTERFEIT CURRENCY

18. Tests or Inquiries to be Conducted: CBP LAB NY

19. **PROPERTY** (By Line Item) Attach DHS Form 58 if conveyance

a. Line Item No.	b. Description	c. Packages Number	c. Packages Type	d. Measurement Qty.	d. Measurement UM	e. Est. Dom. Value	f. Samples Sent to DHS Lab	f. Date
001	MIXED US COINS	1	BG	700	KG	$	Yes ☐ No ☐	/ /
						$	Yes ☐ No ☐	/ /
						$	Yes ☐ No ☐	/ /
						$	Yes ☐ No ☐	/ /

20. Detaining Officer Name

Print	Signature	Date
A. LANZILLOTTI	[signature]	6/15/2015

21. **ACCEPTANCE/CHAIN OF CUSTODY**

a. Line Item No.	b. Description	c. Print Name/Title/Organization	d. Signature	e. Date

Shipments may be detained for up to 30 days, unless statutory authority or interagency agreement mandates that a longer period of time is required, or the importer/exporter/subject requests a longer detention period through the Port Director.

DHS 6051A Continuation Sheet Attached? Yes ☐ No ☐

Previous editions are obsolete

DHS Form 6051D (08/09)